

SUBCHAPTER A—GENERAL AND ADMINISTRATIVE PROVISIONS

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Subpart A—Organization and Functions

§ 501.1 Purpose.

This part describes the organization, functions and Official Seal of, and the delegation of authority within, the

Federal Maritime Commission (“Commission”).

§ 501.2 General.

(a) *Statutory functions.* The Commission regulates common carriers by water and other persons involved in the foreign commerce of the United States under provisions of the Shipping Act of 1984, as amended by the Ocean Shipping Reform Act of 1998 (46 U.S.C. app. 1701-1720); section 19 of the Merchant Marine Act, 1920 (46 U.S.C. app. 876); the Foreign Shipping Practices Act of 1988 (46 U.S.C. app. 1710a); sections 2 and 3, Pub. L. 89-777, Financial Responsibility for Death or Injury to Passengers and for Non-Performance of Voyages (46 U.S.C. app. 817d and 817e); and other applicable statutes.

(b) *Establishment and composition of the Commission.* The Commission was established as an independent agency by Reorganization Plan No. 7 of 1961, effective August 12, 1961, and is composed of five Commissioners (“Commissioners” or “members”), appointed by the President, by and with the advice and consent of the Senate. Not more than three Commissioners may be appointed from the same political party. The President designates one of the Commissioners to be the Chairman of the Commission (“Chairman”).

(c) *Terms and vacancies.* The term of each member of the Commission is 5 years and begins when the term of the predecessor of that member ends (*i.e.*, on June 30 of each successive year), except that, when the term of office of a member ends, the member may continue to serve until a successor is appointed and qualified. A vacancy in the office of any Commissioner shall be filled in the same manner as the original appointment, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the Commissioner whom he or she succeeds. Each Commissioner shall be removable by the President for inefficiency, neglect of duty, or malfeasance in office.

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(d) *Quorum.* A vacancy or vacancies in the Commission shall not impair the power of the Commission to execute its functions. The affirmative vote of a majority of the members of the Commission is required to dispose of any matter before the Commission. For purposes of holding a formal meeting for the transaction of the business of the Commission, the actual presence of two Commissioners shall be sufficient. Proxy votes of absent members shall be permitted.

(e) *Meetings; records; rules and regulations.* The Commission shall, through its Secretary, keep a true record of all its meetings and the yea-and-nay votes taken therein on every action and order approved or disapproved by the Commission. In addition to or in aid of its functions, the Commission adopts rules and regulations in regard to its powers, duties and functions under the shipping statutes it administers.

§ 501.3 Organizational components of the Federal Maritime Commission.

The major organizational components of the Commission are set forth in the Organization Chart attached as Appendix A to this part. An outline table of the components/functions follows:

(a) Office of the Chairman of the Federal Maritime Commission. (Chief Executive and Administrative Officer; FOIA and Privacy Act Appeals Officer.)

(1) Information Security Officer.

(2) Designated Agency Ethics Official.

(b) Offices of the Members of the Federal Maritime Commission.

(c) Office of the Secretary. (FOIA and Privacy Act Officer; Federal Register Liaison.)

(d) Office of the General Counsel. (Ethics Official; Chair, Permanent Task Force on International Affairs.)

(e) Office of Administrative Law Judges.

(f) Office of Equal Employment Opportunity.

(g) Office of the Inspector General.

(h) Office of the Executive Director. (Chief Operating Officer; Designated Senior IRM Official; Senior Procurement Executive; Audit Followup and Management Controls; Chief Information Officer; Chief Financial Officer.)

(1) Office of Information Resources Management. (Senior IRM Manager; Computer Security; Forms Control; Records Management.)

(2) Office of Budget and Financial Management.

(3) Office of Human Resources.

(4) Office of Management Services (Physical Security; FMC Contracting Officer).

(i) Bureau of Consumer Complaints and Licensing (Dispute Resolution Specialist).

(1) Office of Consumer Complaints.

(2) Office of Passenger Vessels & Information Processing.

(3) Office of Transportation Intermediaries.

(j) Bureau of Enforcement. (Area Representatives.)

(k) Bureau of Trade Analysis.

(1) Office of Agreements.

(2) Office of Economics & Competition Analysis.

(3) Office of Service Contracts & Tariffs.

(l) Boards and Committees.

(1) Executive Resources Board.

(2) Performance Review Board.

§ 501.4 Lines of responsibility.

(a) *Chairman.* The Office of the Secretary, the Office of the General Counsel, the Office of Administrative Law Judges, the Office of Equal Employment Opportunity, the Office of the Inspector General, the Office of the Executive Director, and officials performing the functions of Information Security Officer and Designated Agency Ethics Official, report to the Chairman of the Commission.

(b) *Office of the Executive Director.* The Bureau of Consumer Complaints and Licensing, Bureau of Enforcement, Bureau of Trade Analysis, and the Office of Budget and Financial Management, Office of Human Resources, Office of Information Resources Management, and Office of Management Services report to the Office of the Executive Director. The Office of Equal Employment Opportunity and the Office of the Inspector General receive administrative assistance from the Executive Director. All other units of the Commission receive administrative guidance from the Executive Director.